

**REMARKS/ARGUMENTS**

The Office Action mailed June 19, 2006 has been carefully reviewed. Reconsideration of this application, as amended and in view of the following remarks, is respectfully requested. The claims presented for examination are: claims 1-30.

**Specification**

In numbered paragraph 2 of the Office Action mailed June 19, 2006, it was stated: "The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed."

Applicant has amended the specification to provide the following new title "System Using Data Compression and Hashing Adapted for Use for Multimedia Encryption." The new title is clearly indicative of the invention to which the claims are directed. Applicant believes this overcomes the objection to the specification and that a complete response to the rejection has been provided.

**35 U.S.C. §112, First Paragraph Rejection (Written Description)**

In numbered paragraph 4 of the Office Action mailed June 19, 2006, claims 1-30 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Claims 2-9, 11-16, 18-23, and 25-30 were rejected for depending on independent claims 1, 10, 17, and 24. The claim(s) were alleged to contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the

relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

#### Applicant's Invention

The invention defined by Applicant's independent claim 1 is:

A system adapted for use for multimedia encryption comprising:

"acquisition means for acquiring a media signal, said acquisition means including a random noise transducer for acquiring random noise only, said random noise being unpredictable from one moment to the next and not being chaotic noise;

data compression means coupled to said acquisition means to receive and compress said media signal containing random noise that is unpredictable from one moment to the next and not being chaotic noise into a compressed data stream;

data acquisition means coupled to said data compression means to receive and select a set of data from the compressed data stream; and

hashing means coupled to said data acquisition means to receive and hash the set of data into a keyword."

The invention defined by Applicant's independent claim 10 is:

A method adapted for use for multimedia encryption, comprising the steps of:

"acquiring a random noise only media signal containing random noise that is unpredictable from one moment to the next and not being chaotic noise;

compressing said random noise only media signal containing random noise that is unpredictable from one moment to the next and not being chaotic noise;

selecting a set of data from the compressed media signal; and hashing the set of data into a keyword."

The invention defined by Applicant's independent claim 24 is:

A computer-useable medium embodying computer program code adapted for use for multimedia encryption by executing the steps of:

“acquiring a random noise only media signal, said random noise only media signal containing random noise that is unpredictable from one moment to the next and not being chaotic noise;

compressing said random noise only media signal, said random noise only media signal containing random noise that is unpredictable from one moment to the next and not being chaotic noise;

selecting a set of data from the compressed media signal; and hashing the set of data into a keyword.”

Within the system of the present invention, a data compression module receives and compresses a media signal into a compressed data stream. A data acquisition module receives and selects a set of data from the compressed data stream. And, a hashing module receives and hashes the set of data into a keyword. Figure 1 (below) is a block diagram of a system 100 for multimedia encryption according to the present invention. Within the system 100, a transducer 102, such as a video camera, a radio, a microphone, a Geiger counter, or an electrical component, outputs a media signal 104. (Applicant's Specification Page 7, lines 2-5)

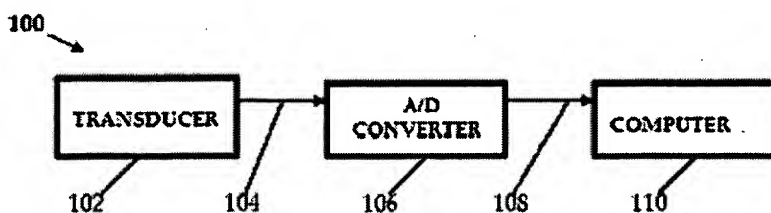


FIG. 1

"In one embodiment of the present invention, the media signal need only include random transducer noise having a noise signal amplitude. Random noise is not the same a chaotic noise. Random noise, such as white Gaussian noise, is completely unpredictable from one moment to a next, while chaotic noise is highly predictable over short time periods." (Page 7, lines 10-15 of Applicant's Original Specification)

Applicant's original specification describes the claimed invention sufficiently to reasonably convey to one skilled in the relevant art that the inventor(s) had possession of the claimed invention at the time the application was filed and meets the requirements of 35 U.S.C. §112, first paragraph.

MPEP §2163 II.A.3 states, "An adequate written description of the invention may be shown by any description of sufficient, relevant, identifying characteristics so long as a person skilled in the art would recognize that the inventor had possession of the claimed invention."

There is a strong presumption that an adequate written description of the claimed invention is present when the application is filed. *In re Wertheim*, 541 F.2d 257, 263, 191 USPQ 90, 97 (CCPA 1976).

Applicant believes that, based upon the original specification, a person skilled in the art would recognize that the inventor had possession of the claimed invention. Applicant's original specification contains an adequate written description of the claimed invention on page 7, lines 10-15, "In one embodiment of the present invention, the media signal need only include random transducer noise having a noise signal amplitude. Random noise is not the same a chaotic noise. Random noise, such as white Gaussian noise, is completely unpredictable from one moment to a next, while chaotic noise is highly predictable over short time periods."

**35 U.S.C. §112, First Paragraph Rejection (Disclosure)**

In numbered paragraph 5 of the Office Action mailed June 19, 2006, claims 1-30 were rejected under 35 U.S.C. §112, first paragraph, as allegedly based on a disclosure which is not enabling. Claims 2-9, 11-16, 18-23, and 25-30 were rejected for depending on independent claims 1, 10, 17, and 24.

The Office Action mailed June 19, 2006 stated:

"Multimedia encryption critical or essential to the practice of the invention, but not included in the claim(s) is not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976). The preamble of claims 1 and 17 state 'a system for multimedia encryption.' The preamble of claim 10 states 'a method for multimedia encryption.' The preamble for claim 24 states 'a computer-useable medium embodying computer program code for multimedia encryption.' Both the specification and the claims disclose steps for producing a keyword which could be used as a key for encryption or a key for generating pseudo-random numbers that are later used in encryption, however, neither the specification nor the claims disclose any steps, elements or instructions that encrypt multimedia."

Applicant has amended the claims as follows:

Independent Claim 1: "A system adapted for use for multimedia encryption."

Independent Claim 10: "A method adapted for use for multimedia encryption."

Independent Claim 17: "A system adapted for use for multimedia encryption."

Independent Claim 24: "A computer-useable medium embodying computer program code adapted for use for multimedia encryption."

The claimed invention defined by amended independent claims 1, 10, 17, and 24 is a system or method or computer-useable medium embodying computer program code that could be used as a key for encryption. Applicant's

original specification describes the claimed invention sufficiently to enable one skilled in the relevant art to practice the invention and meets the requirements of 35 U.S.C. §112, first paragraph.

Applicant's original specification contains an adequate written description of the claimed invention. There is a strong presumption that an adequate written description of the claimed invention is present when the application is filed. *In re Wertheim*, 541 F.2d 257, 263, 191 USPQ 90, 97 (CCPA 1976). Applicant believes that, based upon the original specification, a person skilled in the art could practice the claimed invention.

### **35 U.S.C. §112, Second Paragraph Rejection**

In numbered paragraphs 6-8 of the Office Action mailed June 19, 2006, claims 1-30 were rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention and as allegedly being incomplete for omitting essential steps, elements or instructions. Claims 2-9, 11-16, 18-23, and 25-30 were rejected for depending on independent claims 1, 10, 17, and 24 and for omitting the same steps, elements, or instructions that the independent claims omit.

The Office Action mailed June 19, 2006 stated:

"See MPEP § 2172.01. The preamble of claims 1 and 17 state 'a system for multimedia encryption.' The preamble of claim 10 states 'a method for multimedia encryption.' The preamble for claim 24 states 'a computer-usable medium embodying computer program code for multimedia encryption.' However the steps, elements, or instructions of the claims disclose creating a keyword. The claims omit the steps, elements, or instructions of actually encrypting any multimedia data."

Applicant has amended the claims as follows:

Independent Claim 1: "A system adapted for use for multimedia encryption."

Independent Claim 10: "A method adapted for use for multimedia encryption."

Independent Claim 17: "A system adapted for use for multimedia encryption."

Independent Claim 24: "A computer-useable medium embodying computer program code adapted for use for multimedia encryption."

The claimed invention defined by amended independent claims 1, 10, 17, and 24 is a system or method or computer-useable medium embodying computer program code "adapted for use for multimedia encryption." Applicant believes that the amended claims describe the invention sufficiently and particularly point out and distinctly claim the subject matter which applicant regards as the invention and the amended claims are not incomplete for omitting essential steps. Applicant believes that the amended claims meet the requirements of 35 U.S.C. §112, second paragraph.

### **35 U.S.C. §101 Rejection**

In numbered paragraphs 9 and 10 of the Office Action mailed June 19, 2006, Claims 1-30 are rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. 25-30 were rejected for depending on independent claims 1, 10, 17, and 24.

The Office Action mailed June 19, 2006 stated:

"The claims do not recite a practical application by producing a physical transformation or producing a useful, concrete, and tangible result. To perform a physical transformation, the claimed invention must transform an article of physical object into a different state or thing. Transformation of data is not a physical transformation. A

useful, concrete, and tangible result must be either specifically recited in the claim or flow inherently therefrom. To be useful the claimed invention must establish a specific, substantial, and credible utility. To be concrete the claimed invention must be able to produce the same results given the same initial starting conditions. To be tangible the claimed invention must produce a practical application or real world result. In this case the claims fail to perform a physical transformation because the claims are directed to operating on data. The claims are useful and concrete, but they fail to produce a tangible result because the keyword is never presented for use by another process or the user and is never stored."

Applicant has amended the claims as follows:

Independent Claim 1: "A system adapted for use for multimedia encryption."

Independent Claim 10: "A method adapted for use for multimedia encryption."

Independent Claim 17: "A system adapted for use for multimedia encryption."

Independent Claim 24: "A computer-useable medium embodying computer program code adapted for use for multimedia encryption."

Within the system of the present invention, a data compression module receives and compresses a media signal into a compressed data stream. A data acquisition module receives and selects a set of data from the compressed data stream. And, a hashing module receives and hashes the set of data into a keyword. The claimed invention defined by amended independent claims 1, 10, 17, and 24 is a system or method or computer-useable medium embodying computer program code that can be used as a key for encryption. Applicant's original specification page 4, lines 19-22 and page 5, lines 1-2 states, "The system/apparatus and method of the present invention are particularly advantageous over the prior art because a means of capturing random numbers for encryption seeding directly from variable frame boundary compressed

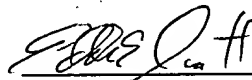


data is disclosed. In light of a growing importance in securely transmitting multimedia data over digital networks, obtaining random numbers directly from the multimedia data would be very useful."

SUMMARY

The undersigned respectfully submits that, in view of the foregoing amendments and the foregoing remarks, the rejections of the claims raised in the Office Action mailed June 19, 2006 have been fully addressed and overcome, and the present application is believed to be in condition for allowance. It is respectfully requested that this application be reconsidered, that the claims be allowed, and that this case be passed to issue. If it is believed that a telephone conversation would expedite the prosecution of the present application, or clarify matters with regard to its allowance, the Examiner is invited to call the undersigned attorney at (925) 424-6897.

Respectfully submitted,



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